



FEMA



## Changes to FEMA's Appeals Process

FEMA is revising its existing appeal policy to expand the due process procedures currently provided for new or modified Base Flood Elevations (BFEs) to other new or modified flood hazard information shown on a Flood Insurance Rate Map (FIRM), including additions or modifications to any Special Flood Hazard Area (SFHA) boundary (both approximate and detailed floodplains), zone designation, or regulatory floodway boundary. This policy is known as the Expanded Appeals Process (EAP). When the EAP becomes effective, it will affect Letters of Map Revision (LOMRs) issued on or after that date, and a 90-day appeal period will be required for LOMRs that result in **any change** to flood hazards.

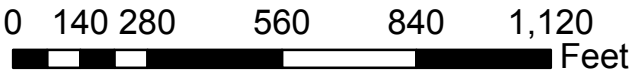
To provide expanded due process rights for changes due to LOMRs, any LOMR that requires an appeal period in a community already compliant with the necessary requirements outlined in 44 CFR Section 60.3 **will become effective 120 days from the second newspaper publication date**, following FEMA's current policy for setting LOMR effective dates. This allows time to collect appeals and provides for newspaper publication schedule conflicts. LOMRs with an appeal period in communities that are not currently compliant with the necessary requirements outlined in 44 CFR Section 60.3, or in communities that require adoption of the LOMR, will become effective following a six-month compliance period.

Evidence of public notice or property owner notification of the changes effected by the LOMR will continue to be requested during the review of the LOMR request. This will help to ensure that the affected population is aware of the flood hazard changes in the affected area and the resultant LOMR. However, FEMA will no longer request evidence of property owner acceptance of the changes effected by a LOMR, as such acceptance will have no influence on the effective date of the LOMR. LOMR requests that are currently in-progress with FEMA when the EAP becomes effective will be reviewed to determine whether the notification already provided is sufficient, and such requests will proceed with processing.










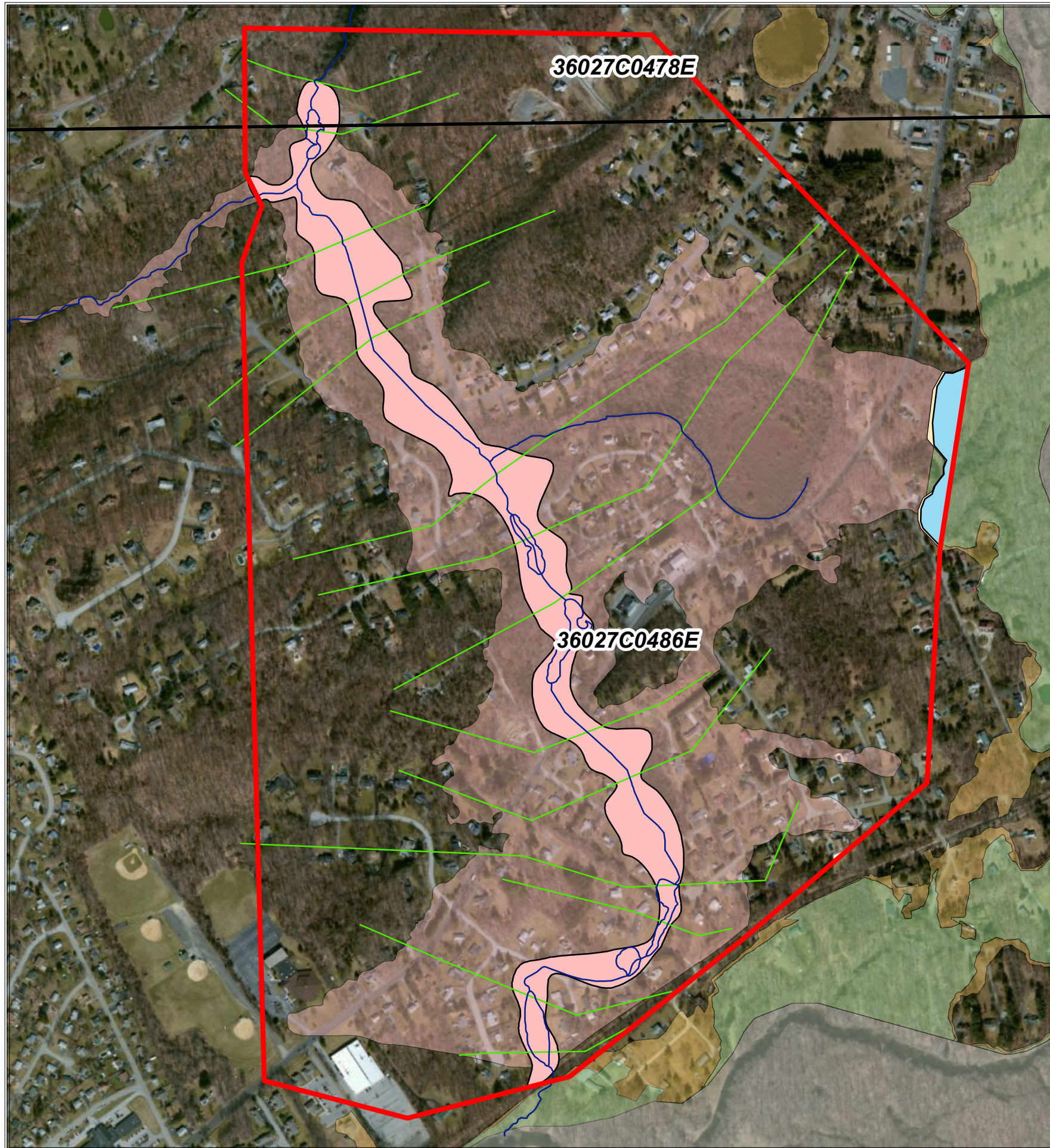
**Updated 1% annual chance flood hazard overlaid on effective flood hazard**



**Legend**

-  Water Lane
-  Political Boundaries
-  Revised Area
-  Effective Zone A
-  Revised Zone A





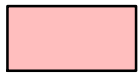






## FISHKILL CREEK TRIBUTARY 11 RE-EVALUATION




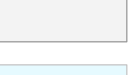
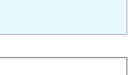
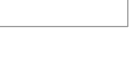
The effective model contained incorrectly stationed the cross-sections, going from downstream to upstream, setting the flow direction from downstream to upstream, which caused an incorrect flooding representation along Fishkill Creek Tributary 11. The floodplain was over-estimated as a result of the effective modeling, and has adversely impacted the surrounding property owners. The area was identified by the observation of a large cluster of LOMA applications within the impacted area. By submitting a regionally initiated LOMR, we can update the effective Zone A to a new Zone A SFHA (the extents of which are shown in the map depiction) to rectify the effective regulatory flooding.

### Legend

-  Limit of Revision
-  FIRM Panel
-  ProfileBaseline
-  Revised Cross Sections
-  Revised Zone A
-  Revised AE
-  Revised X

### DFIRM

#### SFHA and Zone X

-  A,
-  AE,
-  Zone X (shaded)
-  FLOODWAY
-  AO,
-  X,

1 inch = 600 feet

0 750 1,500 3,000 Feet

